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EXAMINER

YE, LIN

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 11/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,515

Applicant(s)

MISAWA, ATSUSHI

Examiner

Lin Ye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-33, 36, 37 and 40 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-12, 14-27, 34, 35, 38 and 39 is/are rejected.
- 7) ☒ Claim(s) 4 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 9/8/2005 have been fully considered but they are not persuasive as to claims 1-3, 5-12, 14-27, 34-35 and 38-39.

Referring to claims 1, 9 and 17, the applicant argues that neither Brais (U.S. Patent 5,995,936) nor Anderson (U.S. Patent 5,790,878) teach or suggest that the user can select the voice recording mode or the character recording mode; when the user selects the voice recording mode, the voice data is recorded on the recording medium. When the user selects the character recording mode, the character data is recorded on the recording medium (See applicant's REMARKS page 26, lines 9-18).

The examiner disagrees. The examiner understands the applicant's specification, page 14, line 26 through page 15, line 2, states " If the voice recording mode has been set but the telop recording mode has not, voice is input by the microphone 1 but voice recognition processing by the **voice recognition circuit 2 is not executed**". However, The claims 1, 9 and 17 are broad and do not require this limitation. The Brais reference clearly discloses in Figure 7, when user enters into the Command Mode, user can either select the Dictation Mode which is considered as the "voice recording mode", or the Create Report Mode which is considered as the "character recording mode". When user selects the Dictation Mode (voice recording mode, see Figure 9), the voice data is recorded on the recording medium (See Col. 10, lines 65-67 and Col. 11, lines 1-2). When user selects the Create Report Mode (character recording mode, see Figure 11), the character data, such as the recognized text

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data representing the voice data output from transducer 106 and the image data associated with the sound is converted into a specified character format report file, such as "word processing documents", "slide presentation files" in the form of Microsoft PowerPoint, Web Page, etc., and the character report file is recorded in the memory of computer or removable disks (See Col. 12, lines 1-25, Col. 14, lines 26-29 and lines 41-43).

Referring to claim 21, the applicant argues that the Brais reference only considers converting the speech into text data and not into a visual representation of the text data (See applicant's REMARKS page 29, lines 3-4).

The examiner disagrees. The Brais reference discloses in Figure 11, when user selects the Create Report Mode, the speech recognized text and images inserted into a multimedia report, such Microsoft PowerPoint slide presentation file, word processing documents, Web page. The multimedia report is a visual representation of the text data for the operator or reviewer visually reviewing on the display screen of the computer (See Col. 12, lines 20-25, Col. 5, lines 5-11 and Col. 6, lines 27-34)

Referring to claim 5, the applicant argues that the Brais reference does not indicted whatsoever that the voice data related to the characters being displayed is erased (See applicant's REMARKS page 33, lines 7-9).

The examiner disagrees. The Brais reference discloses the commands for erasing recorded data, such text, voice or images in the report is used in Edit Mode. The Brais reference also states the Edit mode supports commands to the computer 102 for **reviewing** sections of report (a visual representation multimedia report, see Col. 111, lines 57-60). It would obvious to one of ordinary skill in the art at the time to see that the report including

the voice data related to the characters being displayed on the display screen for reviewing and erased by the erasing command sent from reporter so that the reporter can easily make sure only to erase the unwanted sections of the report.

Referring to claim 6, the applicant argues that the Brais reference does not disclose “wherein said image recording controller records the image data output by said image sensing device in response to input of a predetermined voice to said voice input unit” recited in claim 6 (See applicant’s REMARKS page 33, lines 10-14).

The Examiner disagrees. The Brais clearly discloses wherein said image recording controller records the image data output by said image sensing device in response to input of a predetermined voice to said voice input unit (e.g., if the speech to text is a known commands during the command mode, such as a command to **acquire** an image, see Col. 10, lines 40-50).

Referring to new claim 25, the applicant argues that the Brais reference does not disclose “converting the text data to character data, wherein the character data is a visual representation of the text data” (See applicant’s REMARKS page 29, lines 3-4).

The examiner disagrees. The Brais reference discloses in Figure 11, when user selects the Create Report Mode, the speech recognized text and images inserted into a multimedia report, such Microsoft PowerPoint slide presentation file, word processing documents, Web page. The multimedia report as character data is a visual representation of the text data for the operator or reviewer visually reviewing on the display screen of the computer (See Col. 12, lines 20-25, Col. 5, lines 5-11 and Col. 6, lines 27-34).

Referring to new claims 34 and 35, the applicant argues that the Brais reference does not disclose “ a character data generating unit to enable generating character data representing the voice data output from said voice input unit, wherein **the character data are expressed in image form**” (See applicant’s REMARKS page 38, lines 4-6).

The examiner disagrees. The Brais reference discloses in Figure 11, when user selects the Create Report Mode, the speech recognized text and images inserted into a multimedia report, such as Microsoft PowerPoint slide presentation file, word processing documents, Web page. The multimedia report as character data are expressed in image form for the operator or reviewer visually reviewing on the display screen of the computer (See Col. 12, lines 20-25, Col. 5, lines 5-11, Col. 6, lines 1-5 and 27-34).

Referring to claim 38, the applicant argues that the Brais reference does disclose “an erasure control unit responsive to an erase command for erasing the voice data corresponding to the characters being displayed on said display unit from the recording medium.” (See applicant’s REMARKS page 39, lines 6-8).

The examiner disagrees. Please see the above comments in respected to claim 5.

Referring to claim 39, the applicant argues that the Brais reference does not discloses “wherein said image recording controller records the image data output by said image sensing device in response to input of a predetermined voice to said voice input unit” (See applicant’s REMARKS page 39, lines 9-11).

The examiner disagrees. Please see the above comments in respected to claim 6.

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2. Applicant's amendment filed on 9/8/2005 has been fully considered and they are persuasive as to claims 4, 13, 28-33, 36-37 and 40.

Referring to claim 4, the Brais reference does not disclose “a determination unit for determining whether the digital still camera has a voice output unit when playback is performed, Responsive to a determination by said determination unit that the camera does not have said voice output unit, for controlling a display unit so as to display the characters represented by the character data”, because the Brais’s audible feedback is only in the context of data capturing and not data playing (See applicant’s REMARKS page 31, lines 13-15). The examiner agrees.

Referring to claim 13, the Brais reference does not disclose apply in the context of controls outputting data disclosed in claim 13 (See applicant’s REMARKS page 34, line 3 through page 36, line 11). The examiner agrees.

Referring to new claims 28-33, the examiner agrees the Brais reference does not discloses “outputting the related voice data only if it is determined that the related voice data is recorded in the storage medium” and “ displaying only the image data or both the related character data and the image data based on the result of the step of determining if the related voice data is recorded in the storage medium” (See applicant’s REMARKS page 37, line 17 through page 38, line 3).

Referring to new claim 36, the examiner agrees the Brais reference does not disclose “... a control unit, response to a determination by said determination unit that the camera has said voice output unit, for outputting the voice by the voice data to said voice output unit and halting display of characters represented by the character data.”

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Referring to new claim 37, the examiner agrees the Brais reference does not disclose "... a control unit, responsive to a determination by said determination unit that the camera does not have said voice output unit, fro controlling a display unit so as to display characters represented by the character data."

Referring to new claim 40, the examiner agrees the Brais reference does not discloses all the limitations recited in claim 40 (please see the above comments in respected to claim 13).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1-3, 5-9, 12, 14-27, 34-35 and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brais et al. U.S. Patent 5,995,936 in view of Anderson et al. U.S. Patent 5,790,878.

Referring to claim 1, the Brais reference discloses in Figures 1 and 9, a digital system having an image sensing device (104) for sensing an image of a subject and outputting image data representing the image of the subject (See Col. 5, lines 5-12), and an image recording controller (portable computer 102, see Col. 6, lines 15-17 and Col. 7, lines 61-65) for recording image data, which has been output from the image sensing device, on a recording medium (see Col. 8, lines 39-45 and Col. 12, lines 54-54-57), comprising: a mode selection

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unit for selection of the voice recording mode or a character recording mode (e.g., in Figure 7, when user enters into the Command Mode, user can either select the Dictation Mode which is considered as the “voice recording mode”, or the Create Report Mode which is considered as the “character recording mode”); a voice input unit (transducer 106 in the form of a micro phone, see Col. 10, lines 40-41) for inputting voice and outputting voice data representing voice; a voice recording controller (controller of computer 102) for recording voice data, which has been output from said voice input unit, on the recording medium (floppy disk, memory card or hard disk) in response to a selection of the voice recording mode by said mode selection unit (e.g., When user selects the Dictation Mode, the voice data is recorded on the recording medium, See Col. 10, lines 65-67 and Col. 11, lines 1-2); a character data generating unit (inside of computer 102, see Col. 10, lines 40-46) for generating character (text) data representing the voice data output from said voice input unit; and a character recording controller for recording the character data, which has been generated by said character data generating unit on the recording medium (the data storage of computer 102, such memory cards, hard disk storage cards, see Col. 8, lines 29-32, Col. 10, lines 65-67 and Col. 11, lines 1-14) in response to a selection of the character recording mode by said mode selection unit (e.g., When user selects the Create Report Mode, the character data, such as the recognized text data representing the voice data output from transducer 106 and the image data associated with the sound is converted into a specified character format report file, such as “word processing documents”, “slide presentation files” in the form of Microsoft PowerPoint, Web Page, etc., and the character report file is recorded in the memory of computer or removable disks, see Col. 12, lines 1-25, Col. 14, lines 26-29 and

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lines 41-43). The Brais reference also states the computer (102) and the camera (104) can be contained in a single enclosure (See Col. 8, lines 63-65). However, the Brais reference does not explicitly state the single enclosure is a single digital camera, and all digital processes are carried out in the digital camera.

The Anderson reference teaches in Figures 1-3, a single digital camera (110) includes an imaging device (114), a system bus (116) and a computer (118) (See Co. 3, lines 35-40). The digital camera has function to capture raw image data representing object and also performs various processing functions on the image data (See Col. 3, lines 44-50). The Anderson reference is evidence that one of ordinary skill in the art at the time to see more advantages for the system integrating the image sensing device and the computer together as a digital camera so that the system can be more compact, portable and flexible to performs various processing functions. For that reason, it would have been obvious to the ordinary skill in the art at the time to modify the digital system of Brais ('936) for integrating the computer (102), the image sensing device (104) and other devices together as a signal digital camera taught by Anderson ('878).

Referring to claim 2, the Brais and Anderson references disclose all subject matter as discussed in respected claim 1, and the Brais reference discloses wherein said voice input unit (106) inputs voice during the sensing of the image of a subject by the image sensing device (104), and said system (as the digital camera taught by Anderson reference) further comprising: a first control unit for controlling said image recording controller, the voice recording controller and said character recording controller in such a manner that at least two of the image data, voice data and character data will be recorded on the recording medium in

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a form linked (associated) to each other as shown in Figure 9 (e.g., the multimedia database or report integrated the image data, voice data and text data together, see Col. 11, lines 39-55).

Referring to claim 3, the Brais and Anderson references disclose all subject matter as discussed in respected claim 1, and the Brais reference shows the digital system can format the digital image and the text (converted from a character data generating unit inside of computer 102) to a multimedia report or database file (See Col. 11, lines 45-48); and a first display unit (110, see Col. 6, lines 30-34) for displaying a combined image corresponding to the combined image data (as the multimedia report) from said first combining unit (e.g., allowing the user to comfortably view information displayed on the display screen 110).

Referring to claim 5, the Brais and Anderson references disclose all subject matter as discussed in respected claims 1 and 3, and the Brais reference states an erasure control unit responsive to an erase command for erasing voice data, which corresponds to characters being displayed on the display unit (110), from the recording medium as shown in Figure 10 (see Col. 11, lines 63-67).

Referring to claim 6, the Brais and Anderson references disclose all subject matter as discussed in respected claim 1, and the Brais reference discloses wherein said image recording controller records the image data, which has been output by said image sensing device, in response to input of predetermined voice to said voice input unit (e.g., if the speech to text is a known commands during the command mode, such as a command to **acquire** an image, see Col. 10, lines 40-50).

Referring to claim 7, the Brais and Anderson references disclose all subject matter as discussed in respected claim 1, and the Brais reference discloses a second combining unit for combining characters, which are represented by character data that has been generated by said character data generating unit, with an image output from said image sensing device; and a fourth control unit for controlling said image recording controller and said character recording controller in such a manner that image data representing an image with which characters have been combined by said second combining unit will be recorded on the recording medium (e.g., a multimedia report or database file can combine image and text characters data together saved in the storage of computer 102, Col. 11, lines 45-48).

Referring to claim 8, the Brais and Anderson references disclose all subject matter as discussed in respected claim 1, and the Brais reference shows the digital system can format the digital image and the text (converted from a character data generating unit inside of computer 102) to a multimedia report or database file (See Col. 11, lines 45-48); a third reading unit for reading the combined image data from the recording medium (the data storage of computer 102, such memory cards, hard disk storage cards, see Col. 8, lines 29-32) and a second display unit (110, see Col. 6, lines 30-34) for displaying a combined image corresponding to the combined image data (as the multimedia report) from said first combining unit (e.g., allowing the user to comfortably view information displayed on the display screen 110).

Referring to claim 9, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claim 1.

Referring to claim 12, the Brais and Anderson references disclose all subject matter as discussed in respected to claim 1, and the Brais reference discloses a character recording mode setting device as shown in Figure 7 for setting character recording mode (e.g., Dictation mode); if the digital system from a command mode to acquire image mode, the system only records the voice data and image data one the recording medium in a form linked each other and the character (text) data will not be recorded on the recording medium (See Col. 7, lines 28-29 and Col. 10, lines 45-46); when the system in the character recording mode (dictation mode), the character (text) data will be recorded on the recording medium as a new dictation file (See Col. 10, lines 64-67 and Col. 11, lines 1-14).

Referring to claim 14, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claim 1 (See Brais's Col. 8, lines 63-65).

Referring to claim 15, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claim 1, and wherein the image data, the voice data, and the character (text) data are recorded in a signal file (multimedia report file) on the recording medium (the storage of computer 102).

Referring to claim 16, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claim 1, and wherein the voice data and a combined image data representing a combination of the image data and the character (text) data (overlay text onto images as the combined image data) are recorded in a single file on the recording medium (multimedia report file or database file, see Col. 11, lines 45-48).

Referring to claim 17, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claims 1-2.

Referring to claim 18, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claim 15.

Referring to claim 19, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claim 3.

Referring to claim 20, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claims 1-3, and the Brais reference discloses a voice output unit configured for outputting the voice corresponding to the related voice data read from the recording medium (it is well known in the art to see the computer includes a speaker device to output voice data such sound clips, video clips or music data read from the recording medium so that user can be easily review the multimedia report by visually and audibly same time, See Col. 5, lines 10-20).

Referring to claim 21, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claims 1-3, and the Brais reference discloses in Figure 11, when user selects the Create Report Mode, the speech recognized text and images inserted into a multimedia report, such Microsoft PowerPoint slide presentation file, word processing documents, Web page. The multimedia report is a visual representation of the text data for the operator or reviewer visually reviewing on the display screen of the computer (See Col. 12, lines 20-25, Col. 5, lines 5-11 and Col. 6, lines 27-34).

Referring to claim 22, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claim 15.

Referring to claim 23, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claims 3 and 16.

Referring to claim 24, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claims 1, 3, 16 and 20.

Referring to claim 25, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claim 21.

Referring to claim 26, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claim 23.

Referring to claim 27, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claims 21-23.

Referring to claim 34, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claims 1 and 21, and the Brais reference discloses in Figure 11, when user selects the Create Report Mode, the speech recognized text and images inserted into a multimedia report, such as Microsoft PowerPoint slide presentation file, word processing documents, Web page. The multimedia report as character data are expressed in image form for the operator or reviewer visually reviewing on the display screen of the computer (See Col. 12, lines 20-25, Col. 5, lines 5-11 and Col. 6, lines 27-34).

Referring to claim 35, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claim 34.

Referring to claim 38, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claims 1 and 5.

Referring to claim 39, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claims 1 and 6.

5. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brais et al. U.S. Patent 5,995,936 in view of Anderson et al. U.S. Patent 5,790,878 and Hayashi U.S. Patent 6,469,738.

Referring to claims 10-11, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claim 1, except the references does not explicitly show voice input unit inputs the voice in response to pressing of a shutter release button.

The Hayashi reference teaches in Figure 1A-B, a digital camera comprising shutter release button (12) and voice input unit (microphone 14). The voice input unit (14) inputs the voice in response to a shutter release button (12) (See Col. 16, lines 33-36). The Hayashi reference is evidence that one of ordinary skill in the art at the time to see more advantages for the system providing a voice input unit inputs the voice in response to pressing of the shutter release button so that the voice data corresponding to the image data can be simultaneously recorded in the memory. For that reason, it would have been obvious to the ordinary skill in the art at the time to modify the digital system of Brais ('936) for providing voice input unit inputs the voice in response to pressing of a shutter release button as taught by Hayashi ('738).

Allowable Subject Matter

6. Claims 28-33, 36-37 and 40 allowed.

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7. Claims 4 and 13 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. Please see the reasons for allowance of claims 4, 13, 28-33, 36-37 and 40 from the *Response to Arguments* section.

Conclusion

9. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Lye', with a long horizontal flourish extending to the right.

Lin Ye
Examiner
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November 7, 2005